

REMARKS

Applicants have studied the Office Action mailed February 20, 2003 and have made amendments to the specification. It is respectfully submitted that the application, as amended, is in condition for allowance. Reconsideration and allowance of the pending claims in view of the above amendments and following remarks is respectfully requested.

Claims 13 and 24:

Applicants respectfully reiterate that, should the product claims be found allowable, Applicants respectfully request that the Examiner consider rejoining claims 13 and 24, as per the procedure under MPEP 821.04.

Hyperlinks:

The Examiner objected to the specification for containing hyperlinks and/or other form of browser-executable code.

In response, Applicants have hereby deleted all hyperlinks from the specification (which consists of three hyperlinks, which are all on page 13 of the specification), as indicated above by the amended specification paragraphs. The hyperlinks are not needed for enablement of the claimed invention, but merely provided additional background information.

Rejection under 35 USC §102:

The Examiner rejected claims 4, 8, 9, and 27-29 under 35 USC §102(b) as being anticipated by Guru *et al.* (*Genome Research* (1997) 7:725-735).

In making the rejection, the Examiner states that the Bac clone of Guru *et al.* (which is deposited in Genbank as Accession No. AC000134) "comprises a genomic sequence which encodes a protein comprising the sequence of SEQ ID NO:2." (underlining added). However, the preamble and part (a) of claim 4 effectively recite "An isolated nucleic acid molecule consisting of a nucleotide sequence that encodes a protein comprising the amino acid sequence of SEQ ID NO:2." Thus, although the Bac clone of Guru *et al.* may comprise a genomic sequence which encodes a protein comprising the

sequence of SEQ ID NO:2, it clearly does not consist of such a genomic sequence. Moreover, there is no suggestion that a molecule consisting of a nucleic acid sequence which encodes a protein comprising the sequence of SEQ ID NO:2 should be separated from the larger Bac sequence.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 USC §102.

Conclusions

Claims 4, 8-9, 13, and 24-29 remain pending, and claims 4, 8-9, and 25-29 are presently under consideration by the Examiner.

Claims 25 and 26 are allowed, as indicated in the Office Action mailed February 20, 2003.

In view of the above amendments and remarks, Applicants respectfully submit that the application and claims are in condition for allowance, and request that the Examiner reconsider and withdraw the objections and rejections. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is invited to call the undersigned agent at (240) 453-3812 should the Examiner believe a telephone interview would advance prosecution of the application.

Respectfully submitted,

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Date: February 26, 2003

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